

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WENDY GRAHAM, MARIA HÖHN, MIA
MASK, CINDY SCHWARZ, AND DEBRA
ZEIFMAN, on behalf of themselves and all
others similarly situated,

Plaintiffs,

-against-

VASSAR COLLEGE,

Defendant.
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**[PROPOSED] CIVIL CASE
MANAGEMENT PLAN AND
SCHEDULING ORDER**

7:23 Civ. 07692 (CS) (VR)

This Civil Case Management Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

1. **Jury/Non-Jury**

This case is to be tried to a jury.

2. **Amendment/Joinder.**

The parties may amend the pleadings or join additional parties before:

Plaintiffs propose a deadline of August 15, 2025.

Defendant proposes a deadline of October 29, 2024.

3. **Initial disclosures.**

Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by **October 29, 2024.**

4. **Fact Discovery.**

The parties will conduct discovery in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, and Judge Reznik's Individual Practices. The interim deadlines in paragraphs 4(b) through 4(e) may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 4(a).

a. **Fact Discovery Deadline.**

All fact discovery must be completed by **later of six months from the Court's order on class certification or four months from the close of notice period for any certified class.**

b. **Requests for Production.**

Initial requests for production of documents ~~must be served by~~ **have already been served by the parties.**

Any subsequent requests for production must be served no later than 45 days before the fact discovery deadline.

c. **Interrogatories.**

Interrogatories **have already been served by Defendant and any initial interrogatories** must be served by **Plaintiffs by October 29, 2024.**

Any subsequent interrogatories must be served no later than 45 days before the fact discovery deadline.

d. **Fact Depositions.**

Non-expert depositions must be completed by **the fact discovery deadline.**

Absent an agreement between the parties or an order from the Court, non-party depositions must follow initial party depositions.

e. **Requests to Admit.**

Requests to admit must be served by **no later than 45 days before the fact discovery deadline.**

5. **Settlement/ADR.**

All counsel must have at least one substantive joint discussion at least two weeks before the next Case Management Conference before Judge Seibel. If at any time the parties believe the assistance of a Magistrate Judge or court mediator for settlement purposes would be helpful, they should so advise the Court by letter.

The parties have worked with two mediators, including a retired federal judge, both of whom Plaintiffs would be glad to continue with. Plaintiffs do not believe it would be fruitful to work with a third mediator at this time.

Defendant believes a settlement conference with Magistrate Judge Reznik would be helpful to further settlement discussions.

6. **Class Certification.**

The parties propose including in this Case Management Plan and Scheduling Order deadlines related to class certification. However, the parties disagree on whether Defendant is permitted or it would be appropriate for Defendant to file an affirmative motion to deny class certification. The parties have set forth their respective proposed schedules below.

a. Plaintiffs propose the following schedule for Plaintiffs' motion for class certification:

- Plaintiffs' Motion For Class Certification, together with any class expert reports: **September 5, 2025**

- Defendant's Opposition to Class Certification, together with any class expert reports: **October 31, 2025**
 - Plaintiffs' Reply in Support of Class Certification, together with any rebuttal expert reports: **December 12, 2025**
- b. Defendant proposes the following schedule for any class certification motions filed by the parties:
- Parties' Motions For/Against Class Certification: **By September 12, 2025**
 - Parties' Oppositions to Class Certification Motions: **Two months from filing of motion**
 - Parties' Replies to Class Certification Motions: **Two months from filing of opposition**
7. **Post-Certification Merits Expert Discovery.**
- a. **Merits Expert Discovery Deadline.**
All expert discovery, including expert depositions, must be completed by **two months from Defendant's expert disclosure deadline.**
- b. **Plaintiffs' Expert Reports.**
Plaintiffs' expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by **one month from the Court's order on dispositive motions.**
- c. **Defendant's Expert Reports.**
Defendant's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by **one month from Plaintiffs' expert disclosures.**
- d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).
8. **ALL MERITS DISCOVERY MUST BE COMPLETED BY TWO MONTHS FROM DEFENDANT'S MERITS EXPERT DISCLOSURE DEADLINE.**
(Absent exceptional circumstances, this date should align with the completion of all expert discovery in paragraph 6(a).)
9. **Summary Judgment Motions.**
Any party contemplating a motion for summary judgment must submit a pre-motion letter, in accordance with Judge Seibel's Individual Practices, at least two weeks before the next Case Management Conference before Judge Seibel, and the opposing party must respond at least one week before that conference date.

If no motions are contemplated, a date for trial—or, if Judge Seibel’s schedule does not permit a firm date, a date by which the parties should be ready for trial on 48 hours’ notice (or on such other notice as Judge Seibel may prescribe)—will be set at the Case Management Conference. Dates for the submission of the Joint Pretrial Order, motions *in limine*, proposed *voir dire* questions, and requests to charge will also be set at the conference. The parties should be prepared for at least the Joint Pretrial Order to be due 30 days after the close of discovery.

10. **Estimated length of trial.**

The parties have conferred and their present best estimate of the length of the trial is two to four weeks excluding jury selection.

11. This Civil Case Management Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court (except as provided in paragraphs 4 and 6(d) above).

Dated:

White Plains, NY

SO ORDERED.

VICTORIA REZNIK
United States Magistrate Judge